

REMARKS

The Office Action dated April 9, 2003 has been carefully studied.

The Examiner rejects claims 9-12 under 35 U.S.C. §112, second paragraph, for the reason that the phrase "the insulated staple of claim 7" lacks antecedent basis.

By the accompanying amendment, claims 9-12 have been amended to properly depend from claim 8 rather than claim 7.

The Examiner rejects claims 1-13 under 35 U.S.C. §103(a) as being unpatentable over Wingert, U.S. Patent No. 5,735,44 in view of Kish, U.S. Patent No. 5,441,373. The Examiner states that Wingert discloses a housing, a driver, an actuator, a detachable magazine assembly, one or more coated fasteners, a nose, a tail end, a pusher, staples having a bight portion and a pair of legs, and a coating adhering to the bight portion and the legs to form an integral unitary structure. The Examiner admits that Wingert does not disclose a coated fastener with an electrically insulating coating, but cites Kish as teaching a coated fastener with a nylon coating for the purpose of providing electrically insulating properties to the fastener. The Examiner concludes that it would have been obvious to have provided Wingert's invention including a coated fastener with a nylon coating which provides electrically insulating properties in order to minimize the possibility that the fastener penetrate or damage the sheathing on a wire and cause an electrical short circuit.

By the accompanying amendment, claims 1 and 13 have been amended to recite that the one or more coated fasteners are

unitary and that the coating is uniform. Claim 8 already includes such limitations. Support for the amendment can be found at pages 8-9 of the specification as filed.


Wingert discloses staples that include a bight portion extending between a pair of opposite parallel legs, with a molded body formed of an electrically insulating material located on the free end portions (i.e., the legs) of the staple. The insulating material has its own bight portion, so that upon driving the staple into a substrate, the staple bight portion engages the insulating bight portion. Accordingly, the insulating material of Wingert is not a "coating" and does not form a unitary structure with the staple; it is a separate and independent molded body. Indeed, the staple is movable within the molded body so that upon penetration into a substrate, the staple travels downwardly relative to the molded body so that the crown of the staple engages the crown of the molded body. In contrast, the instant claims require a uniformly coated fastener having a unitary structure.

Kish et al. disclose a coated fastener substantially completely coated with a solvent-free coating. This is contrary to the teachings of Wingert, since Wingert expressly and purposely leaves the staple bight uncoated so that upon penetration into a substrate, the staple bight travels downwardly relative to the molded body and engages the bight portion of the molded body. Accordingly, one skilled in the art would have no motivation to modify Wingert in view of Kish et al. to provide a unitary coated fastener as recited in the instant claims. In addition, as seen in Figures 2 and 4 and as

discussed at column 3 of Kish et al., the coating of Kish et al. is not uniform. Instead, the corners of each fastener have a thicker coating to enhance adhesion with an adjacent staple. This is contrary to the instant claims, which require a uniform coating and a unitary structure whereby adjacent staples are not attached.

Reconsideration and allowance are respectfully requested in view of the foregoing.

Respectfully submitted,


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